

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ARISTA RECORDS, LLC, a Delaware  
limited liability company; ATLANTIC  
RECORDING CORPORATION, a  
Delaware corporation; BMG MUSIC, a  
New York general partnership;  
CAPITOL RECORDS, INC., a  
Delaware corporation; ELEKTRA  
ENTERTAINMENT GROUP, INC., a  
Delaware corporation; LAFACE  
RECORDS LLC, a Delaware limited  
liability company; LAVA RECORDS  
LLC, a Delaware limited liability  
company; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware  
general partnership; UMG  
RECORDINGS, INC., a Delaware  
corporation; VIRGIN RECORDS  
AMERICA, INC., a California  
corporation; WARNER BROS.  
RECORDS INC., a Delaware  
corporation; and ZOMBA  
RECORDING, LLC., a Delaware  
limited liability company,**

**Plaintiffs,**

**v.**

**DOES 1-6,**

**Defendants.**

**CASE NO. 4:08CV3060**

**ORDER**

This matter comes before the Court on the Report and Recommendation of Magistrate Judge F.A. Gossett that this case be dismissed, without prejudice, for failure to prosecute (Filing No. 24), and on the Plaintiffs' Notice of Dismissal Without Prejudice (Filing No. 26). On December 12, 2008, Judge Gossett recommended that this case be dismissed without prejudice for failure to prosecute the matter with reasonable diligence, noting the Plaintiffs' disregard for the Court's scheduling orders. On December 29, 2008, the Plaintiffs

filed a Notice of Dismissal without Prejudice and Response to Report and Recommendation (Filing No. 26). Plaintiffs stated that they have no objection to the Report and Recommendation and requested that the case be dismissed without prejudice. The Court finds that the action should be dismissed. Accordingly,

IT IS ORDERED:

1. The Report and Recommendation (Filing No. 24) is adopted;
2. The Notice of Dismissal (Filing No. 26) is approved;
3. The Complaint (Filing No. 1) is hereby dismissed without prejudice; and
4. The parties shall pay their own costs and attorney's fees.

DATED this 30<sup>th</sup> day of December, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge